

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EDWARD D. STURGIS,	§	
	§	No. 538, 2010
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	the State of Delaware in and for
v.	§	Kent County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 9408013493
Appellee.	§	

Submitted: March 25, 2011

Decided: June 17, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **JACOBS**, Justices.

**O R D E R**

This 17th day of June 2011, it appears to the Court that:

(1) On December 14, 1994, the appellant, Edward D. Sturgis, pled guilty to Assault in the Third Degree and Reckless Endangering in the Second Degree and was sentenced to two years at Level V suspended for probation (“the assault case”).<sup>1</sup> On March 17, 1997, Sturgis pled guilty to Attempted Murder in the First Degree and was sentenced to twenty years at

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<sup>1</sup> *State v. Sturgis*, Del. Super., Cr. ID No. 9408013493, Ridgely, P.J. (Dec. 14, 1994) (sentencing order).

Level V suspended after fifteen years minimum mandatory (“the attempted murder case”).<sup>2</sup>

(2) On January 29, 2008, the Superior Court modified the sentence in the attempted murder case. On the State’s appeal, however, the sentence modification was vacated.<sup>3</sup>

(3) On November 5, 2009, Sturgis filed a motion for modification of sentence in the assault case.<sup>4</sup> Apparently, Sturgis asked the Superior Court to modify the sentence in the attempted murder case based on a July 31, 2008 order that had issued in the assault case.<sup>5</sup> By order dated April 21, 2010, the Superior Court denied the motion for modification of sentence.

(4) On July 16, 2010, Sturgis filed a motion for correction of sentence in the assault case. Sturgis asked the Superior Court to correct the sentence in the attempted murder case on the basis of the July 31, 2008 order in the assault case. By order dated August 5, 2010, the Superior Court denied Sturgis’ motion for correction of sentence. This appeal followed.

(5) After consideration of the parties’ briefs on appeal and the Superior Court record, we have concluded that the denial of Sturgis’ motion

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<sup>2</sup> *State v. Sturgis*, Del. Super., Cr. ID No. 9610021793, Terry, J. (Mar. 17, 1997) (sentencing order).

<sup>3</sup> *State v. Sturgis*, 947 A.2d 1087 (Del. 2008).

<sup>4</sup> The Court notes that the motion is listed on the Superior Court docket but does not appear to be included in the record lodged in this appeal.

<sup>5</sup> The July 31, 2008 order purported to discharge the 1994 sentence that Sturgis completed in 1996.

for correction of sentence should be affirmed. Sturgis has not demonstrated, and the record does not reflect, that he is serving a sentence that is illegal or otherwise incorrect.<sup>6</sup>

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>6</sup> See Del. Super. Ct. Crim. R. 35(a) (governing motions for correction of sentence). Relief under Rule 35(a) is available when the sentence imposed exceeds the statutorily authorized limits, violates double jeopardy, is ambiguous with respect to the time and manner in which it is to be served, is internally contradictory, omits a term required to be imposed by statute, is uncertain as to substance, or is a sentence that the judgment of conviction did not authorize. *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).